

Agenda
Otay Ranch POM Preserve Management Team Meeting
County Administration Center, Tower 7
1600 Pacific Highway
San Diego, CA 92101

February 5, 2007
Noon – 2:00 p.m.

1. Call To Order
2. IOD Language (Trumbo & Lundstedt)
 - a. IOD Easement Language
 - b. IOD Substitution Language
3. Reports (Goddard & Trumbo)
 - a. IOD Status
 - i. Pending (12 – 1,058.09 acres)
 1. Otay Project LP/Otay Ranch Company (7 – 857.18 acres)
 - a. Wolf Canyon (30.06 acres)
 - b. Proctor Valley Segment (772.90 acres)
 - c. 1999 Board Action (266.36 acres)
 2. Brookfield-Shea
 - a. 3 – 148.87 acres
 3. McMillin/South County Investors
 - a. 1 – 0.586 acres
 - b. Acreage Accounting
 - c. Status of Long-Term Implementation Plan (Trumbo)
 - a. IOD Status
 - i. Pending (12 – 1,058.09 acres)
 1. Otay Project LP/Otay Ranch Company (7 – 857.18 acres)
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 - a. 3 – 148.87 acres
 3. McMillin/South County Investors
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 - b. Acreage Accounting
 - c. Status of Long-Term Implementation Plan (Trumbo)
4. Land Management (Duke & Trumbo)
 - a. POM managed
 - b. Privately managed (prior to conveyance)
5. Proposed Policy Committee Agenda (Trumbo & Lundstedt)
6. Meeting Dates (Trumbo)
 - a. POM Staff
 - b. Preserve Management Team
 - c. Policy Committee
7. Next Steps
8. Public Comment
9. Adjournment

Otay Ranch Preserve Owner/Manager (POM)
Preserve Management Team
Staff Recommendations
February 5, 2007

Item 1: Proposed Irrevocable Offer of Dedication (IOD) Easement Language

Issue: Recommend change to IOD language relating to existing, planned and future infrastructure easements in order to conform to Resource Management Plan (RMP) Phases 1 & 2 and address relevant plans and policies

Background

In accordance with the Otay Ranch Resource Management Plan (RMP) Phases 1 and 2 conveyance plan requirements, IODs have been offered to the City of Chula Vista (City) and County of San Diego (County) for dedication of preserve land. Language has been included in these offered IODs, which reserved an easement for future infrastructure (Appendix A). There have been recent changes in both the County of San Diego (County) and the City of Chula Vista (City) procedures for processing IODs. With these changes, Preserve Owner Manager (POM) Staff determined the language previously included needed to be revised to be consistent with the Otay Ranch RMP and acknowledge the role of the POM as described in the RMP and Joint Powers Agreement (JPA).

Relevant Plans and Policies

Otay Ranch Resource Management Plan

RMP Phase 1, Policy 6.6 for the Otay Ranch Preserve (Preserve) states infrastructure facilities can be located within the Preserve as long as they meet the outlined criteria. As defined in the RMP, “*infrastructure facility*” is defined as a road, sewage, water, reclaimed water, or urban runoff facility. An excerpt from the RMP Phase I stating this policy is attached as Appendix B. The Figures mentioned in the excerpt depict the potential locations of roads, sewage, water, reclaimed water, and urban runoff facilities these figures were updated during the preparation of RMP Phase 2. The updated figures showing the conceptual locations of infrastructure are attached as Exhibits 1-6 in Appendix B.

County Multiple Species Conservation Program (MSCP) Subarea Plan

The County MSCP Subarea Plan, Section 3.3.3.8 included the RMP Phase I infrastructure plan by reference and is therefore consistent with the RMP.

City MSCP Subarea Plan

The City’s MSCP Subarea Plan also considers roads and infrastructure a conditionally compatible use within the Preserve. The City’s MSCP Subarea Plan separates the infrastructure into two categories: Planned Facilities and Future Facilities. Planned Facilities are those that have been specifically identified by the City to serve development approved by the City and are specified in Table 6-1 (Attached as Appendix C). The Plan also outlined specific siting criteria to allow future infrastructure facilities. These criteria are listed in Appendix D. The locations of the infrastructure facilities were refined from those described in the RMP. Since the locations of infrastructure described and depicted in the RMP Phase 2 were conceptual, these refinements were anticipated.

Staff Recommendations

Subject to the criteria set forth in Policy 6.6 of RMP Phase I and Section 6 of the City's MSCP Subarea Plan, infrastructure can be found to be a compatible use within the Preserve. Per the RMP Phase 1, the phrase *infrastructure facility* is defined as a road, sewage, water, reclaimed water, or urban runoff facility. The type of infrastructure should be defined in the IOD easement language, because each type of infrastructure facility could potentially have different types of impacts. Inclusion of the "Planned Facilities" and future facility siting criteria into the RMP may require County Board of Supervisors and the City of Chula Vista City Council action to amend the RMP.

1. Existing Facilities

Staff recommends the language be modified to acknowledge existing infrastructure easement rights. Existing infrastructure easement rights would transfer to the POM along with the title to the land. These rights should be acknowledged within the IOD to clarify their existence.

2. Planned Facilities

The locations of the infrastructure facilities referenced in the RMP and the "Planned Facilities" should be consistent in both the RMP and the City's MSCP. POM Staff has reviewed the RMP and the City's MSCP and recommends the POM Policy Committee allow for the "Planned Facilities" as described in Section 6.3.3 and Table 6-1 of the City's MSCP Subarea Plan to be located within the Preserve. POM Staff recommends that future IOD language be modified to allow for planned infrastructure easements as described above.

3. Future Facilities (*County Staff Recommendation*)

Staff recommends that IODs for lands where infrastructure is not an existing or "Planned Facility" (as described above) be processed on a case-by-case basis.

- If POM Staff determines the infrastructure facility meets the siting criteria listed in Appendix E of the Staff Report, the IOD will be processed with said easement; or
- If POM Staff is unable to make a staff level determination, the Preserve Management Team will evaluate the siting of the proposed easement and direct staff to process the IOD with said easement; or
- If POM Preserve Management Team is unable to make a determination, they will bring the issue to the POM Policy Committee for consideration.

Future Facilities (*City Staff Recommendation*)

Staff recommends that siting of infrastructure not described, as a "Planned Facility" in the Chula Vista MSCP should be processed on a case-by-case basis. The IOD should recognize these facilities should be sited pursuant to the RMP and the City's MSCP "Future Facilities" siting criteria. The criteria contained in Appendix E represents the applicable siting criteria from both the City's MSCP siting criteria and the RMP. As stated in Policy 6.6 of the Phase 1 RMP: "Infrastructure plans and their implementation shall be subject to the review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager" if such improvements are located within the Preserve. Pursuant to the RMP policies, the siting of these "Future Facilities" would be subject to review and comment by the POM.

Item 2: Proposed Irrevocable Offer of Dedication (IOD) Substitution Language

Issue: Substitution of any IOD lands should be approved by POM staff, POM Policy Committee, and decision-making body (as appropriate)

Background

Previously offered IODs have included a substitution clause which allows for an applicant to substitute land prior to acceptance of the IOD by the City and County (Appendix F). This language did not address the location of the substituted land, the need for title clearance, Phase I hazardous material clearance, and the need for review and approval by POM Staff, Preserve Management Team, or Policy Committee.

Staff Recommendations

County Recommendation

The POM Preserve Management Team recommends modification of the proposed substitution language based on the following concepts:

- Grantor shall have the right to substitute other real property for portions of the real property described herein, subject to the approval of the Preserve Owner/Manager.
 - Grantor shall provide studies and other documentation that provides evidence that the land proposed for substitution:
 - Is located within the boundaries of the Otay Ranch Preserve Conveyance Area;
 - Has title free from any encumbrances;
 - Has a Phase I Report which confirms absence of hazardous materials; and
 - Is of equal or greater biological and cultural values than the land proposed to be vacated.

Upon satisfaction of the above conditions, the Preserve Owner/Manager will recommend for concurrent approval to the appropriate decision-making body:

1. Vacation of the Irrevocable Offer of Dedication for land that is subject to the substitution and
2. Acceptance of Substitution Irrevocable Offer of Dedication of land to be conveyed to the City of Chula Vista and the County of San Diego as Preserve Owner Manager.

City Recommendation

The Phase 1 RMP established standards and criteria pursuant to the Phase 1 and 2 RMP, which were intended to guide the design of the preserve conveyance plan. The conveyance plan was adopted based on these standards and criteria. Once the conveyance plan was established, all land within the defined boundaries of the plan is considered of equal value. It is acceptable for any applicant to convey land anywhere within the approved conveyance plan boundaries.

The City staff recommends that the proposed revised substitution language not include the requirement that substituted land be “of equal or greater biological and cultural values than the land proposed to be vacated.” This item is not necessary if the applicant is required to convey land within the approved conveyance plan boundaries. All other proposed language is acceptable.

Appendix A:

IOD Easement Language received in 2006:

RESERVING UNTO GRANTOR, its successors and assigns, together with the right to grant and transfer same, an easement for sewer, water and/or drainage pipelines and facilities necessary to serve adjacent development as required by the City of Chula Vista. Such sewer, water and/or drainage pipelines shall be sited in locations defined and approved by the City of Chula Vista consistent with the provisions of the City of Chula Vista MSCP Sub Area Plan. This easement includes the right, but not the obligation, to construct, install, maintain, repair and reconstruct such infrastructure, and an easement for ingress and egress over the property conveyed hereby to the extent reasonably necessary to hook into such lines and facilities and to effect any such construction, installation, maintenance, repair, or reconstruction. This easement, when conveyed and transferred by Grantor, shall be appurtenant to any real property owned by Grantor that is designated in the instrument by which any such easement is conveyed by Grantor as all or a portion of the real property to which such easement is appurtenant. Grantor shall repair, at its own expense, any damage to the real property described herein arising from the exercise of the easement rights reserved hereby. Grantor's rights hereunder shall be subject to all applicable ordinances and requirements of the City of Chula Vista concerning the real property described herein, and the exercise of the easement rights described herein, including without limitation the Chula Vista Habitat Loss and Incidental Take Permit ordinances.

Appendix B:

Excerpt from the RMP Phase I

Policy 6.6

Infrastructure may be allowed within the Preserve; conceptual locations of infrastructure facilities located within or crossing the Preserve are illustrated in Figures 14-18 (final infrastructure plans may deviate from the conceptual locations shown as long as Preserve resources are not adversely affected).

Standard: Develop a general infrastructure plan in conjunction with the first SPA of the Phase 2 RMP that provides standards and criteria to guide specific infrastructure siting and design during the phased buildout of Otay Ranch.

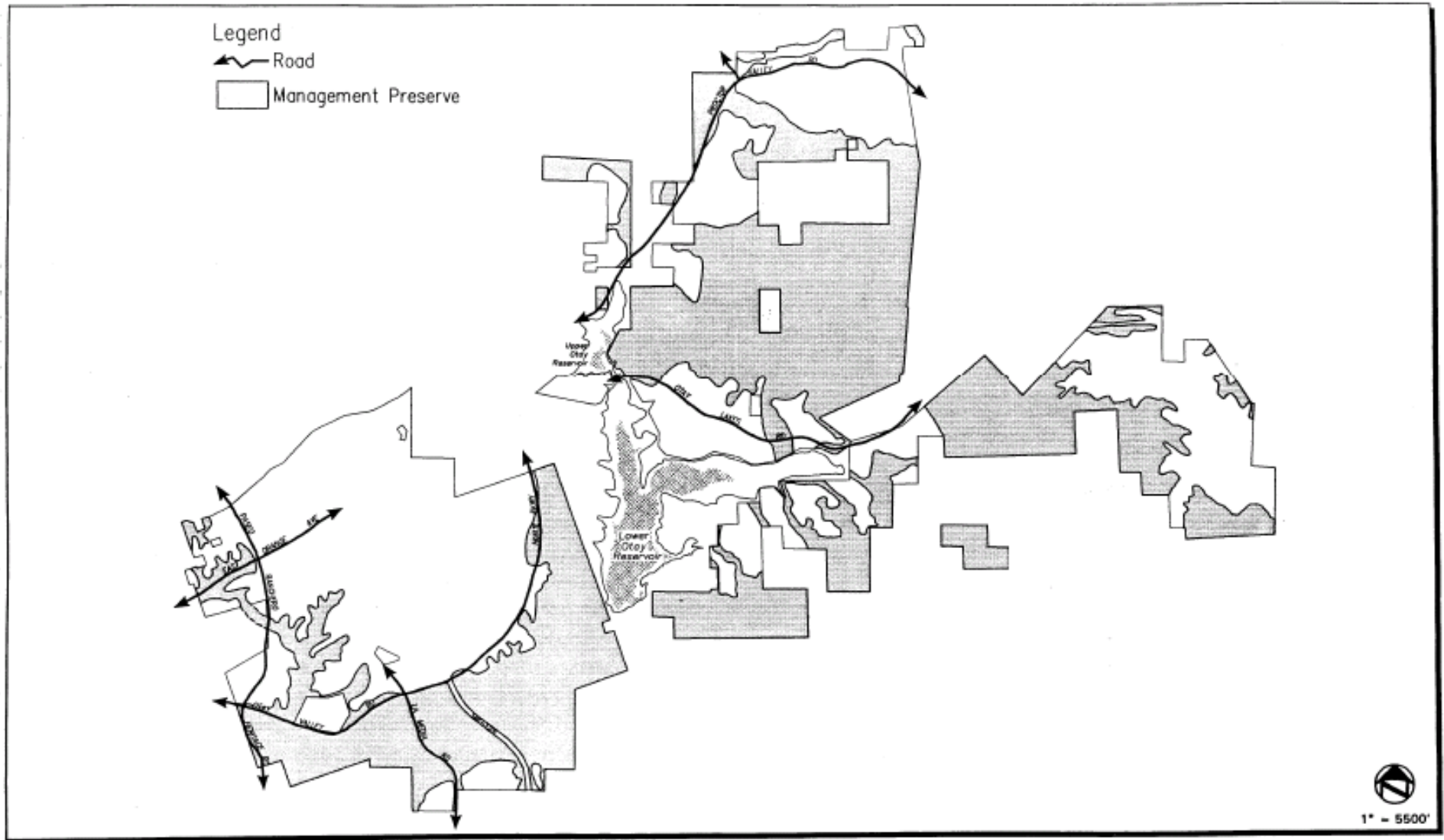
Guidelines:

- 1) Infrastructure facilities shall be sited and designed to minimize visual and other impacts to Preserve resources.
- 2) Infrastructure plans and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the Preserve Owner/Manager.
- 3) CEQA mitigation requirements for impacts associated with infrastructure shall be reviewed by the appropriate jurisdictions and the Preserve Owner/Manager if such improvements are located within the Preserve.
- 4) When feasible, place infrastructure in roadways or outside the Preserve.
- 5) Mitigation measures for facilities shall conform to restoration/mitigation proposals of the RMP.

Policy 6.7

Fire roads shall be permitted within the Preserve only where absolutely necessary to assure public safety and control wildfires that may damage biological resources.

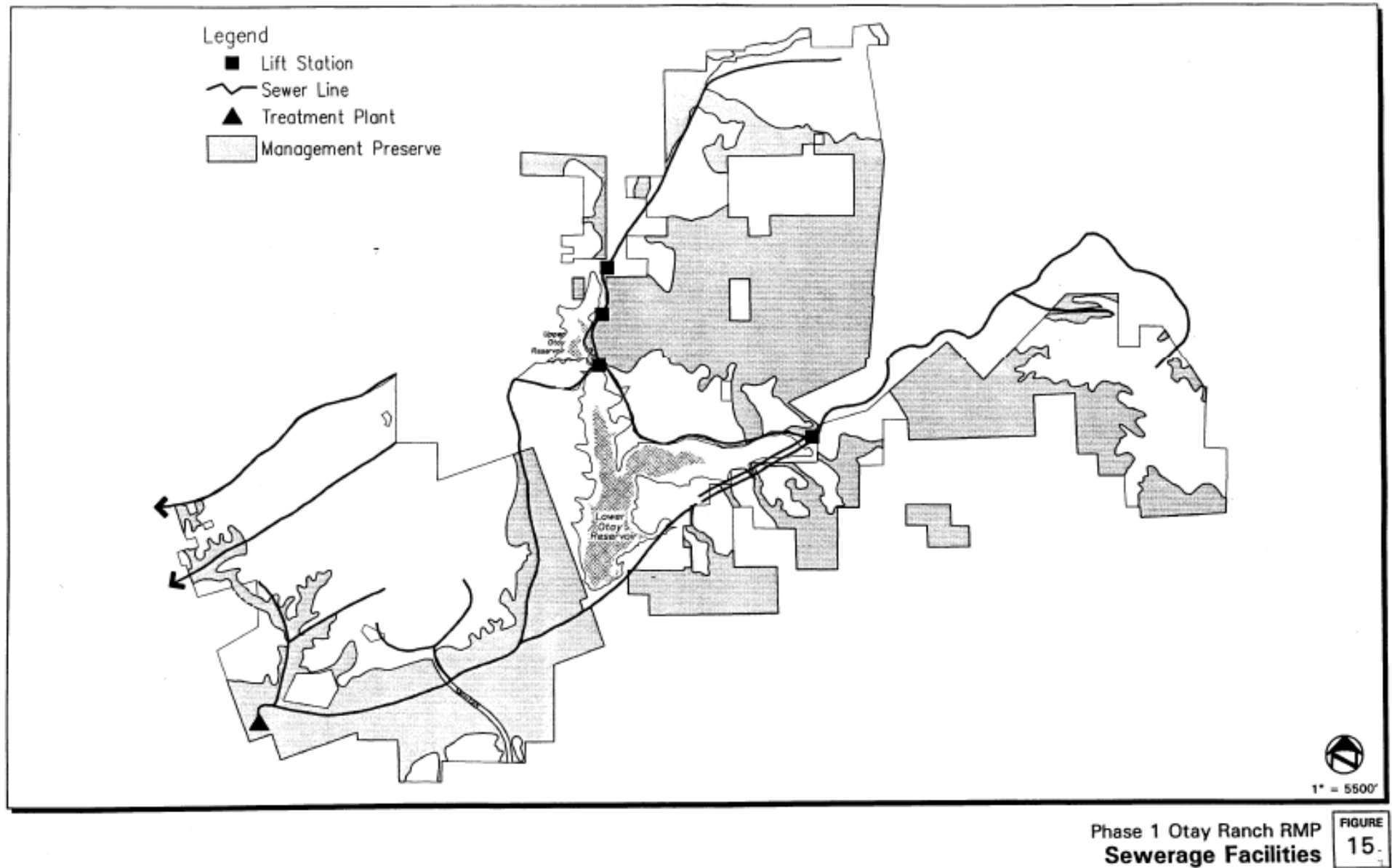
Appendix B, Exhibit 1



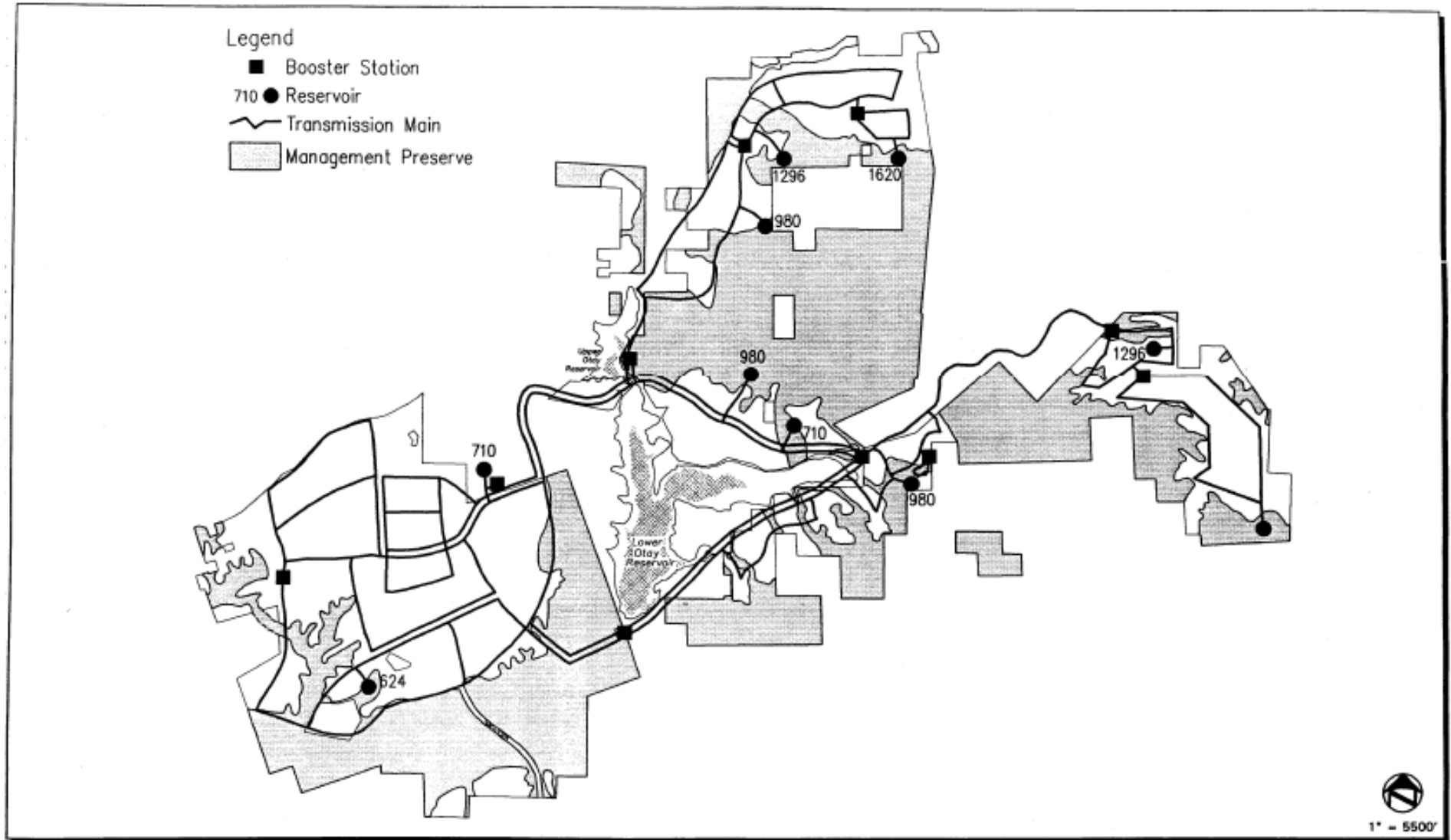
Phase 1 Otay Ranch RMP
Public Roads

FIGURE
14

Appendix B, Exhibit 2



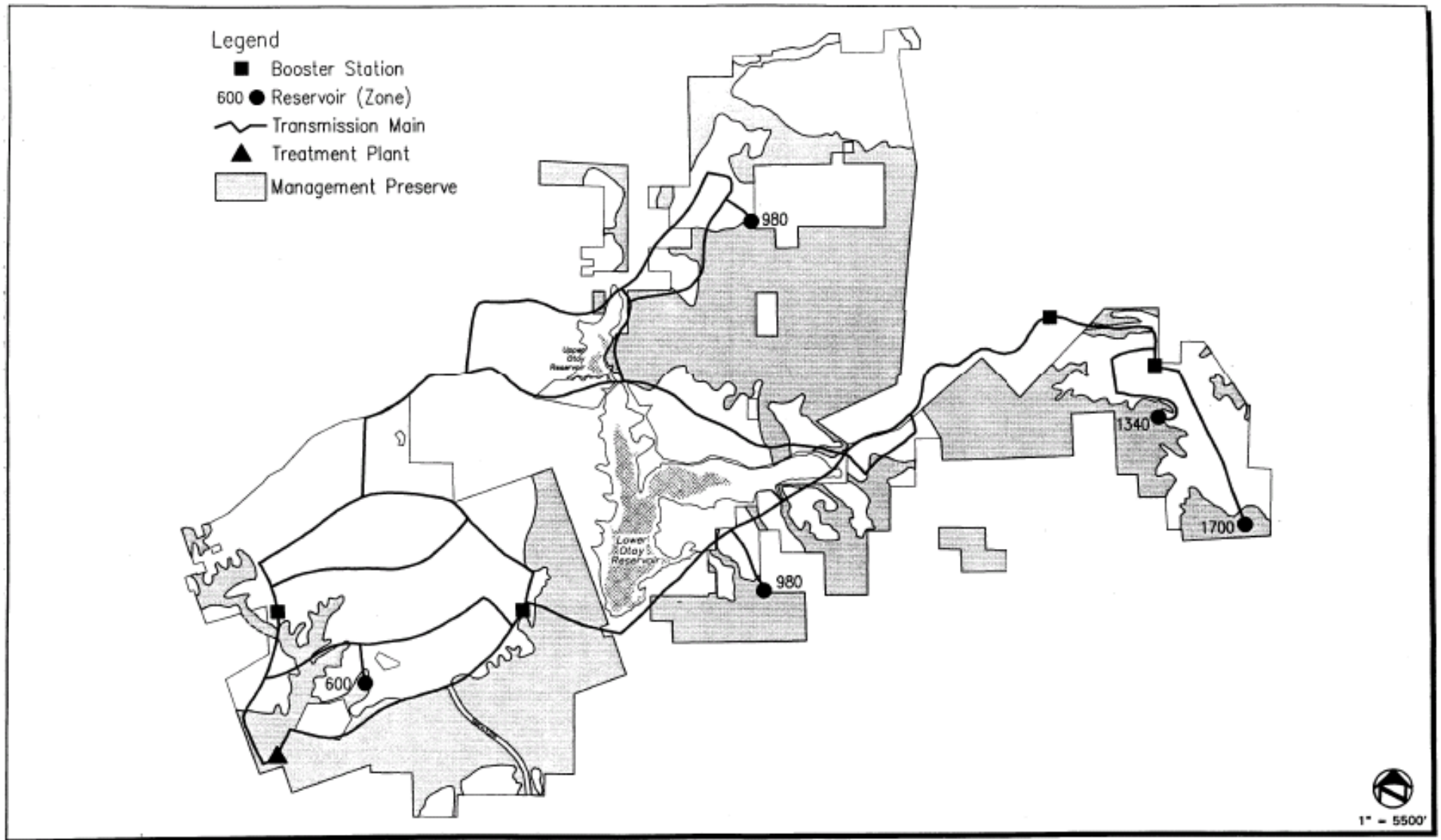
Appendix B, Exhibit 3



Phase 1 Otoy Ranch RMP
Water Facilities

FIGURE
16

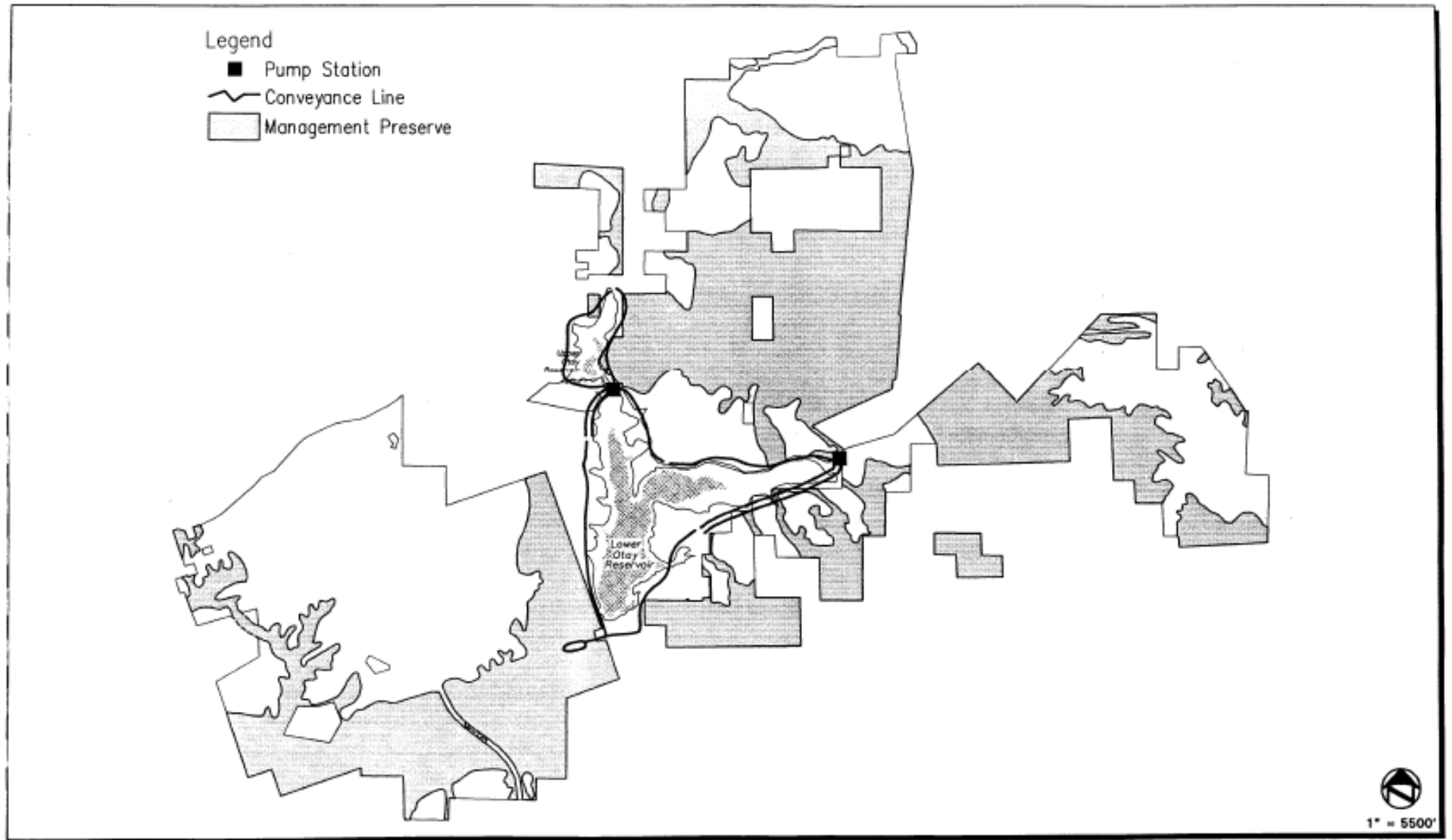
Appendix B, Exhibit 4



Phase 1 Otay Ranch RMP
Reclaimed Water Facilities

FIGURE
17

Appendix B, Exhibit 5



Phase 1 Otay Ranch RMP
Urban Runoff Facilities

FIGURE
18

Appendix C

City of Chula Vista MSCP Infrastructure Facilities

Table 6-1: Planned Facilities

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Otay Lakes Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment. • If Otay Lakes Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.
Proctor Valley Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Siting of this facility is subject to the Rolling Hills Ranch SPA Plan and Tentative Map, which allow realignment of the City/County segment. • Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment. • If Proctor Valley Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.
Otay Valley Road (will become Main Street)	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Otay Valley Road (continued)	<ul style="list-style-type: none"> b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Take Authorization Otay Valley Road (which will be renamed “Main Street”) will be extended easterly to connect to Rock Mountain Road. • That portion of the Otay Valley Road originally designed to continue easterly from Rock Mountain Road to SR 125 will be subject to further evaluation, and separate Take Authorization. Take Authorization for that portion is not provided through this Subarea Plan. The City will evaluate the potential to relocate that portion of the facility outside the Preserve and/or remove that portion of the facility. If the City determines, after full evaluation, that all or (a) portion(s) of the road may be eliminated from the Preserve, the City will amend the Otay Ranch GDP accordingly and/or incorporate such design changes into the final design of the facility, as appropriate.
La Media Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Take Authorization for the portions of this facility located outside the City will be pursuant to the City of San Diego or County of San Diego Subarea Plans. • The data developed and analysis completed related to La Media Road as part of the SR 125 corridor study will be considered during siting analysis and CEQA review, as appropriate. • La Media Road will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. In addition, the City commits to work jointly with the Wildlife Agencies during CEQA review for the project to identify an alignment of the road which results in the least adverse impact to sensitive resources feasible. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
La Media Road (continued)	<ul style="list-style-type: none"> • Although the siting of La Media Road has not yet been finalized: <ul style="list-style-type: none"> a. The Wildlife Agencies have reviewed the tentative alignment and have concluded that if impacts to covered Narrow endemic Species cannot be avoided as a result of the final alignment La Media Road, the City may purchase one acre of expanded Otay Ranch Tarplant Preserve land on the San Miguel Ranch; and b. The Wildlife Agencies concur that purchase of said property for inclusion into the San Miguel Ranch Otay Tarplant Preserve or other equivalent Otay tarplant Preserve land acceptable to the Wildlife Agencies will constitute equivalency for impacts to Narrow Endemic Species resulting from the final alignment of La Media Road. <p>Alternatively, the City may mitigate potential impacts pursuant to Section 5.2.3 of this Subarea Plan.</p>
Paseo Ranchero	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). • Paseo Ranchero will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.
Alta Road	<ul style="list-style-type: none"> • Take Authorization for Alta Road is not provided through this Subarea Plan. Alta Road will be subject to a separate permitting process for receiving Take Authorization.
Rock Mountain Road	<ul style="list-style-type: none"> • Siting of this facility is subject to the: <ul style="list-style-type: none"> a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).
Mount Miguel Road	<ul style="list-style-type: none"> • Mount Miguel Road will be subject to the conditions of the San Miguel Ranch MSCP Annexation Agreement described in Section 7.5.6.4 of this Subarea Plan.

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Rolling Hills Ranch; (Two-lane road)	<ul style="list-style-type: none"> The two-lane road in Rolling Hills Ranch connecting Neighborhoods 9 through 12 are provided Take Authority pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch as discussed in this Plan and specifically cited in Section 7.5.6.3.
Rolling Hills Ranch Road to Future 1296 Reservoir	<ul style="list-style-type: none"> This facility will be subject to mitigation pursuant to agreement between the OWD and the Wildlife Agencies.
Rolling Hills Ranch / Bella Lago roadway connections	<ul style="list-style-type: none"> Two road connections from Rolling Hills Ranch to Bella Lago are provided Take Authorization pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch and Bella Lago as discussed in this Plan and specifically cited in Sections 7.5.6.3 and 7.5.6.5.
Southern Trolley Line	<ul style="list-style-type: none"> Take Authorization for the southern trolley line is not provided through this Subarea Plan. The southern trolley line will be subject to a separate permitting process for receiving Take Authorization.
Salt Creek Interceptor, Wolf Canyon Sewer and Otay Valley Trunk Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> Siting of these sewer facilities is subject to the: <ul style="list-style-type: none"> Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E). BMPs will be used to design and maintain these facilities. Sewer lines will be sited to avoid mitigation sites created as mitigation for other projects. Maintenance access roads related to these sewer facilities will be sited to avoid to the maximum extent practicable impacts to Covered Species and habitats, including covered Narrow Endemic Species, pursuant to the Facilities Siting Criteria in Section 6.3.3.4 of this Subarea Plan.
Salt Creek Interceptor, Wolf Canyon Sewer and Otay Valley Trunk Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads) (continued)	<ul style="list-style-type: none"> Through Salt Creek where new maintenance access roads must be developed, road widths will be limited to 12 feet, within a 20-foot disturbance corridor. Through the Otay River Valley where existing unpaved roads will be utilized, road widths will be limited to 20 feet. Maintenance access roads will be constructed as follows: <ul style="list-style-type: none"> Access roads will be constructed of concrete-treated base

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
	<p>(CTB) material with aggregate rock to minimize frequency of maintenance.</p> <p>b. Where access roads exceed a 5% grade, concrete or asphalt may be permitted to ensure maintenance vehicle traction.</p> <p>c. Where cross-drainage occurs, concrete aprons may be permitted to minimize erosion.</p> <p>d. Appropriately sized concrete brow ditches on the uphill edge of access roads may be permitted to minimize erosion.</p> <ul style="list-style-type: none"> • Temporary impacts related to these sewer facilities will be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan. • Public access to finger canyons associated with the primary canyons involving these facilities will be limited, pursuant to the Otay River Valley Framework Management Plan, Section 7.6.3 of this Subarea Plan.
Poggi Canyon Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> • The Poggi Canyon sewer is under construction. The facilities located within the Sunbow II project that traverse the Preserve are subject to the Project Specific Management Requirements for Sunbow identified in Section 7.5.6.1 of this Subarea Plan.
Otay River Valley Equestrian Staging Areas (located in the active recreation area(s))	<ul style="list-style-type: none"> • The equestrian staging areas will be subject to the Otay Ranch RMP Phase 1, Policies 6.2 and 6.3 (Appendix D). • Equestrian staging areas in the Otay River Valley must be sited within the active recreation areas. • A brown-headed cowbird trapping program for these equestrian staging areas will be established and implemented as part of the area-specific management directives for the Otay River Valley.
Trails designated in the OVRP Concept Plan	<ul style="list-style-type: none"> • The trails designated in the OVRP Concept Plan are authorized for Take pursuant to this Subarea Plan, subject to the provisions of the City Planning Component Framework Management Plan, Section 7.5, the Public Access, Trails and Recreation guidelines, Section 7.5.3, and the Otay River Valley Framework Management Plan, Section 7.6.3.
Otay River Valley Interpretive Centers (located in the active recreation area(s))	<ul style="list-style-type: none"> • The Otay River Valley interpretive centers are authorized for Take pursuant to this Subarea Plan, subject to the Otay Ranch and 6.3 (Appendix D). • Interpretive centers in the Otay River Valley must be sited within the active recreation areas.

Appendix D

City of Chula Vista MSCP Subarea Plan Future Infrastructure Facilities Siting Criteria

6.3.3.2 Future Facilities

Future Facilities are those necessary to support planned development and have not been or cannot be identified and/or located at present. Permanent impacts to covered habitats in the Preserve from Future Facilities may not exceed a cumulative total of 50 acres, which may only be exceeded with concurrence from the Wildlife Agencies. In addition, no single facility may permanently impact more than two acres of covered habitat in the Preserve without concurrence from the Wildlife Agencies. Temporary impacts (i.e., from unforeseen required sewer laterals) will not be subject to these limitations, but all areas of temporary impact must be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan.

Table 6-2 lists all the categories of Future Facilities, and briefly identifies the implementation criteria applicable to all Future Facilities. Refer to Section 6.3.3.4 for specific Facilities Siting Criteria.

Table 6-2: Future Facilities

FACILITIES	IMPLEMENTATION CRITERIA/ASSURANCE
Storm drain and flood control/detention facilities	<ul style="list-style-type: none"> Each Future Facility is subject to a limit of two acres of permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All Future Facilities are subject to a cumulative limitation of 50 acres of overall permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All Future Facilities are subject to the Narrow Endemic Species policy detailed in Section 5.2.3 of this Subarea Plan for impacts to covered Narrow Endemic Species within the Preserve, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All impacts to Narrow Endemic Species within the Preserve are subject to equivalency findings, pursuant to Sections 5.2.3 and 6.3.3.4 of this Subarea Plan. All impacts to Covered Species and habitats, excluding Narrow Endemic Species up to the individual and cumulative caps, are mitigated by the conservation strategies in this Subarea Plan, and are authorized under the Take Authorization pursuant to this Subarea Plan.
Desilting & sedimentation basins	
Extensions of electric and/or gas utility services to individual services	
Fire access roads	
Brush management roads	
Maintenance & operations roads	
New trails	

6.3.3.4 Facilities Siting Criteria

It is expressly intended that flexibility be allowed in locating Planned and Future Facilities within the Preserve. It is also recognized that it may be necessary to locate public facilities in the Preserve that are not currently planned, known or anticipated. To the extent practical and as determined by the City, covered habitats and species will be avoided during the planning, design and construction of Planned and/or Future Facilities. The physical and engineering requirements of new roads and infrastructure shall be considered during the siting procedure, and siting and construction of such facilities will be accomplished in accordance with the following criteria, as determined by the City:

1. Such facilities will be located in the least environmentally sensitive location feasible, and use existing roads, trails and other disturbed areas, including use of the active recreation areas in the Otay River Valley, as much as possible (except where such areas are occupied by the QCB). Facilities should be routed through developed or developing areas where possible. If no other routing is feasible, alignments should follow previously existing roads, easements, rights of way, and disturbed areas, minimizing habitat fragmentation.
2. Such facilities shall avoid, to the maximum extent practicable, impact to Covered Species and Wetlands, and will be subject to the provisions, limitations and mitigation requirements for Narrow Endemic Species and Wetlands pursuant to Sections 5.2.3 and 5.2.4 of this Subarea Plan.
3. Where roads cross the Preserve, they should provide for wildlife movement in areas that are graphically depicted on and listed in the MSCP Subregional Plan Generalized Core Biological Resource Areas and Linkages map (Figure 1-4) as a core biological area or a regional linkage between core biological areas. All roads crossing the Preserve should be designed to result in the least impact feasible to Covered Species and Wetlands. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. To the extent feasible, crossings will be designed as follows: the substrate will be left in a natural condition or revegetated if soils engineering requirements force subsurface excavation and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.
4. To minimize habitat disruption, habitat fragmentation, impediments to wildlife movement and impact to breeding areas, road and/or right-of-way width shall be narrowed from existing City design and engineering standards, to the maximum extent practicable. In addition, roads shall be located in lower quality habitat or disturbed areas to the maximum extent practicable.

5. Impacts to Covered Species and habitats within the Preserve resulting from construction of Future Facilities will be evaluated by the City during project review and permitting. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located outside the Preserve, pursuant to this Subarea Plan and consistent with the Facility Siting Criteria in this Section.
6. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located within the Preserve, subject to a limitation of two acres of impact for individual projects and a cumulative total of 50 acres of impact for all Future Facilities. Wildlife Agency concurrence will be required for authorization of Take for any impacts to Covered Species and habitat within the Preserve that exceed two acres that may result from construction of any individual Future Facility. Wildlife Agency concurrence will be required for authorization of Take for impacts to Covered Species and habitat within the Preserve that exceed fifty acres that may result from all Future Facilities combined.
7. Planned and Future Facilities must avoid impacts to covered Narrow Endemic Species and the QCB to the maximum extent practicable. When such impacts cannot be avoided, impacts to covered Narrow Endemic Species within the Preserve that will result from construction of Planned and Future Facilities located within the Preserve are subject to equivalency findings and the limitations and provisions of Section 5.2.3.6 of this Subarea Plan. Impacts to QCB that will result from construction of Planned and Future Facilities within the Preserve are subject to the provisions of Section 5.2.8 of this Subarea Plan.

Appendix E

In order for the POM to approve future infrastructure facilities within the Preserve, the project proponent shall clearly define the type of infrastructure (roads, sewage, water, reclaimed water, urban runoff, or utility) being proposed.

County Recommendation:

The POM staff shall review the proposed infrastructure facility on a case by case basis, based on the following siting criteria.

- If POM Staff determines the infrastructure facility meets the siting criteria listed below, the IOD will be processed with said easement; or
- If POM Staff is unable to make a staff level determination, the Preserve Management Team will evaluate the siting of the proposed easement and direct staff to process the IOD with said easement; or
- If POM Preserve Management Team is unable to make a determination, they will bring the issue to the POM Policy Committee for consideration.

City Recommendation:

The POM staff shall review the proposed future infrastructure facilities within the Otay Ranch Preserve on a case-by-case basis, based on the following siting criteria.

Siting Criteria:

1. a. When feasible all infrastructure facilities shall be placed outside the Preserve. (*County Recommendation*)
b. When feasible, place infrastructure in roadways or outside the Preserve. (*City Recommendation*)
2. Such facilities will be located in the least environmentally sensitive location feasible, and use existing roads, trails and other disturbed areas, including use of the active recreation areas in the Otay River Valley, as much as possible (except where such areas are occupied by the QCB). Facilities should be routed through developed or developing areas where possible. If no other routing is feasible, alignments should follow previously existing roads, easements, rights of way, and disturbed areas, minimizing habitat fragmentation
3. Such facilities shall avoid, to the maximum extent practicable, impact to Covered Species and Wetlands, and will be subject to the provisions, limitations and mitigation requirements for Narrow Endemic Species and Wetlands
4. Where future infrastructure facilities are proposed to cross the Preserve, they should provide for wildlife movement. All infrastructure facilities crossing the Preserve should be designed to result in the least impact feasible to MSCP Covered Species and Wetlands. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. To the extent feasible, culvert crossings will be designed as follows: the substrate will be left in a natural condition or revegetated if soils engineering requirements force subsurface excavation and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.

5. To minimize habitat disruption, habitat fragmentation, impediments to wildlife movement and impact to breeding areas, infrastructure easements shall be narrowed from existing City or County design and engineering standards, to the maximum extent practicable. In addition, infrastructure shall be located in lower quality habitat or disturbed areas to the maximum extent practicable.
6. Future infrastructure facilities must avoid impacts to covered Narrow Endemic Species and the Quino checkerspot butterfly (QCB) to the maximum extent practicable.
 - a. City jurisdiction: When such impacts cannot be avoided, impacts to covered Narrow Endemic Species or QCB resulting from construction of future infrastructure facilities located within the Preserve (within the boundaries of the City of Chula Vista) are subject to equivalency findings and the limitations and provisions of Section 5.2.3.6 and/or Section 5.2.8 of the City's Subarea Plan.
 - b. County jurisdiction: When such impacts cannot be avoided, impacts to covered Narrow Endemic Species or QCB resulting from construction of future infrastructure facilities located within the Preserve (within the South County MSCP) are subject to the provisions of the County's Subarea Plan.
7. The proposed infrastructure facility must have clearance under the California Environmental Policy Act (CEQA). POM staff shall review the CEQA document(s) to determine
 - a. If the proposed project impacts would adversely impact Preserve resources
 - b. If the proposed project adequately mitigates for any proposed impacts

County Recommendation

In addition, the proposed project shall be consistent with the approving projects MSCP Subarea Plan.

City Recommendation

In addition, the proposed project shall be consistent with any other relevant policies from the approving jurisdiction's MSCP Subarea Plan.

Appendix F

IOD Substitution Language received in 2006:

“Notwithstanding the foregoing, Grantor shall have the right to substitute other real property for portions of the real property described herein, subject to the approval of the grantees and the satisfaction of all conditions imposed by the grantees, including but not limited to the grantees’ approval of the real property to be substituted, in connection with any substitution of real property; in such event, any portion of the real property described herein for which other real property has been substituted shall be released from this Irrevocable Offer of Dedication of fee interest and, if the grantees have previously accepted this Irrevocable Offer of Dedication of fee interest, such released property shall be reconveyed to Grantor by the grantees subject to the same matters of record affecting such property immediately prior to the recordation of this Irrevocable Offer of Dedication of fee interest.”

DRAFT Agenda

Otay Ranch Preserve Owner Manager Policy Committee Meeting
County Administration Center, Room 302/303
1600 Pacific Highway
San Diego, CA 92101

February 12, 2007
2:00 p.m. to 4:00 p.m.

1. Call To Order: Supervisor Greg Cox and Mayor Cheryl Cox
2. Preserve Owner Manager (POM) Process and Coordination (Smith)
3. Overview of POM (Trumbo, Lundstedt & Goddard)
4. Reports (Goddard, Trumbo, & Lundstedt)
 - a. Irrevocable Offer of Dedication (IOD) Status
 - i. Accepted (7 – 516 acres)
 1. McMillin
 - a. 7 – 516 acres
 - ii. Pending (12 – 1,058.09 acres)
 1. Otay Project LP/Otay Ranch Co. (7 – 857.18 acres)
 - a. Wolf Canyon (30.06 acres)
 - b. Proctor Valley Segment (772.90 acres)
 - c. 1999 Board Action (266.36 acres)
 2. Brookfield-Shea
 - a. 3 – 148.87 acres
 3. McMillin/South County Investors
 - a. 1 – 0.586 acres
 - b. Status of Long-Term Implementation Plan (Trumbo)
5. Action Items (Trumbo & Lundstedt)
 - a. IOD Easement Language
 - i. Existing Easements
 - ii. Planned Facilities
 - b. IOD Substitution Language
6. Public Comment
7. Adjournment